UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA **Plaintiff** v. **Omar ROMERO SANCHEZ** **AKA: Edgar Jose BERNAL** **AKA: Alberto ALVAREZ** **Defendant**	**Magistrate Docket No.** '08 MJ 1191 COMPLAINT FOR VIOLATION OF: **TITLE 18 U.S.C. § 1544** **Misuse of Passport (Felony)**

The undersigned complainant, being duly sworn, states:

Count 1

On or about April 11, 2008, within the Southern District of California, Omar ROMERO SANCHEZ did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting a US passport number 421052120 issued in the identity of Alberto ALVAREZ, to a Department of Homeland Security, Customs and Border Protection Officer at the Otay Mesa Port of Entry, knowing full well that he was not Alberto ALVAREZ, that the passport was not issued or designed for his use, and that he is not a United States citizen entitled to a U.S. Passport; in violation of Title 18, United States Code, Section 1544.

Count 2

On or about April 16, 2008, within the Southern District of California, Omar ROMERO SANCHEZ did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting a US passport number 434052937 issued in the identity of Edgar Jose BERNAL, to a Department of Homeland Security, Customs and Border Protection Officer at the San Ysidro Port of Entry, knowing full well that he was not Edgar Jose BERNAL, that the passport was not issued or designed for his use, and that he is not a United States citizen entitled to a U.S. Passport; in violation of Title 18, United States Code, Section 1544.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Richard M. Escott
Senior Special Agent
U.S. Department of State
Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me
This 17th day of April, 2008.

UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

I, Richard Michael Escott, being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1. I am a Senior Special Agent (SSA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for eight years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.

2. During the performance of my duties, I have obtained evidence that Omar ROMERO SANCHEZ used the passport issued for the use of another on 04/11/2008 and 04/16/2008. This Affidavit is made in support of a complaint against DEFENDANT for violations of Title 18, U.S.C., Section 1544, Misuse of a Passport.

3. On 04/16/2008, at approximately 1230 hours, DEFENDANT presented himself to a Department of Homeland Security, Customs and Border Protection (CBP) Officer at the pedestrian lines of the San Ysidro Port of Entry, to apply for admission into the United States. DEFENDANT identified himself with U.S. Passport number 434052937 bearing the name Edgar Jose BERNAL, DPOB 04/11/1992, California, U.S.A., and a photograph that did not bear the likeness of DEFENDANT. DEFENDANT was referred for secondary inspection. In secondary inspection, a fingerprint check revealed that DEFENDANT had previously been arrested and removed from the United States using US Passport number 421052120 in the identity of Alberto ALVAREZ, and that he had been arrested and removed on 04/11/2008 for using a false US Passport at the Otay Mesa Port of Entry.

4. On 04/16/2008, at approximately 1600 hours the Affiant was advised by a CPB Officer at the San Ysidro POE that DEFENDANT had been detained at the secondary inspection area of the San Ysidro POE. Affiant was able to recover the passport DEFENDANT used on 04/11/2008 from CBP.

5. On 04/16/2008, at approximately 2000 hours, DEFENDANT was retrieved from the pedestrian secondary inspection area and was brought to an interview room. The Affiant, assisted a CBP Officer, who also acted as translator, obtained consent from DEFENDANT to have his interview audio and video taped. DEFENDANT read his Miranda warning aloud in Spanish from a written copy. He indicated that he understood and waived his right to counsel. He admitted that his true name was Omar ROMERO SANCHEZ, DPOB, 03/01/1981, Mexico City, Mexico. He stated that he was a citizen of Mexico and not a citizen of the United States. DEFENDANT admitted that on or about 04/11/2008 he promised to pay $3,800 for a false US Passport and to be smuggled to Los Angeles. DEFENDANT was subsequently provided with US Passport number 421052120 issued in the identity of Alberto ALVAREZ. He admitted that he subsequently used that US Passport to apply for entry into the United States at the Otay Mesa Port of Entry on 04/11/2008. He admitted knowing that the passport was not issued or designed for his use. DEFENDANT stated that he believed that the passport, in fact, belonged to the person whose photograph and identity appeared on the passport.

6. DEFENDANT admitted that on or about 04/16/2008 he promised to pay $4,000 for a false US passport and to be smuggled to Los Angeles. DEFENDANT was subsequently provided with US Passport number 434052937 issued in the identity of Edgar Jose BERNAL. He admitted that he subsequently used that US Passport to apply for entry into the United States at the San Ysidro Port of Entry on 04/16/2008. He admitted knowing that the passport was not issued or designed for his use. DEFENDANT stated that he believed that the passport, in fact, belonged to the person whose photograph and identity appeared on the passport.

7. DEFENDANT said that he had previously been living illegally in the United States from 2004-2006. He admitted knowing that it was illegal use a US Passport in the name of another. DEFENDANT made a recorded oral confession as to his true identity and to elements of the charge.

8. On 04/16/2008, at approximately 1630 hours, Affiant contacted VICTIM, Edgar Jose BERNAL, who stated that his passport was in a vehicle that was stolen in Tijuana, Mexico in December, 2007. At approximately 2037 hours Affiant contacted VICTIM, Alberto ALVAREZ, who stated that his US Passport had been stolen when his vehicle was burglarized in Tijuana, Mexico approximately 3-4 months prior.

On the basis of the facts presented in this probable cause statement consisting of 2 pages, there is probable cause to believe that the defendant named in this probable cause statement committed the offense on or about 04/11/2008 - in violation of Title18, United States Code, Section 1544: Misuse of a passport - when he knowingly and willfully used the passport belonging to another, Alberto ALVAREZ, knowing that it was not issued or designed for his use, in order to gain admission into the United States; and on or about 04/16/2008 - in violation of Title18, United States Code, Section 1544: Misuse of a passport - when he knowingly and willfully used the passport belonging to another, Edgar Jose BERNAL, knowing that it was not issued or designed for his use, in order to gain admission into the United States.